



CANNON BUILDING
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DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	Board of Cosmetology and Barbering
MEETING DATE AND TIME:	Monday, February 28, 2011 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES APPROVED:	March 28, 2011

MEMBERS PRESENT

Kathryn Lord, President, Professional Member
Cecilia Jones, Vice President Member
Melinda Schaeffer, Professional Member
Arlene Scanlon, Professional Member
Carol Guilbert, Secretary, Public Member
Tien Le, Professional Member
Jordana Naftzinger, Public Member
Albert Niezgoda, Professional Member

MEMBERS ABSENT

Leila Lord, Professional Member
Linda Wilson, Professional Member
Derrick Reed, Professional Member
Deborah Boulden, Professional Member
Donna Bayard, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Heeney, Deputy Attorney General
Jennifer Witte, Administrative Specialist II
Stacey Stewart, State Deputy Attorney General
Samuel Nickerson, Investigative Supervisor
Paul Eihinger, Investigator
Vera Sitze, Court Reporter

OTHERS PRESENT

Rachel Thomas
Teresa Whitemar-Watson
Kevin Harris
Ernest Ackaler

CALL TO ORDER

Ms. Lord called the meeting to order at 9:50 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Jones, seconded by Ms. Schaeffer, to approve the January 31, 2011 minutes as amended. The motion was unanimously carried.

UNFINISHED BUSINESS

Disciplinary Hearing for Jeanette Coston

The hearing was called to order at 9:52 a.m.

Ms. Heeney stated that today's hearing was a disciplinary hearing due to a complaint filed by the Office of the Attorney General for unlicensed practice.

The Board members were introduced.

Ms. Coston was not in attendance.

Ms. Stewart was introduced as the Deputy Attorney General for the State and waived an opening statement.

Ms. Witte was sworn in and gave testimony.

Mr. Nickerson, Investigative Supervisor, was sworn in and gave testimony that a complaint had been filed alleging that Ms. Coston charged Marissa Wells, \$ 5000.00 for her apprenticeship program and \$ 180.00 per week for chair rental in her salon, Nettie's Multi-Cultural Salon. Between February and August 2007, Ms. Wells provided shampooing, drying, curling and braiding services at the salon however since the salon was not licensed, any apprenticeship hours obtained were not valid.

Mr. Nickerson answered questions from the Board.

Ms. Heeney asked if there were any documents verifying that Ms. Wells was not approved for an apprenticeship due to the salon not being licensed.

The State entered into evidence, State's Exhibit 1, a written agreement of apprenticeship between Ms. Wells and Ms. Coston, State's Exhibit 2, a letter, dated May 16, 2007, from the Division of Professional Regulation to Ms. Wells advising that her apprenticeship application could not be accepted since the salon did not have a licensed, State's 3 a letter to Ms. Wells from Ms. Coston regarding their agreement,, State's Exhibit 4, a receipt for \$100 and copy of the \$6000.00 check from Del-One payable to Nellie's Multi-Cultural Salon.

The State had no further witnesses.

Ms. Stewart stated in closing, that the evidence shows Ms. Coston entered into an agreement with Ms. Wells for an apprenticeship. Under the Statute, she is in violation of 24 Del. Code 5113 (a) (7) and regulation 14.0.

Ms. Stewart also stated Ms. Coston was not present, notice was sent to the address on file, and that it is the licensee's responsibility to update their address with the Division of Professional Regulation.

Ms. Stewart requests that the Board issue a letter of reprimand and a monetary fine.

The Board went off the record and into deliberations.

The Board went back on the record at 10:25 a.m.

A motion was made by Ms. Guilbert, seconded by Ms. Le, to revoke the license of Jeanette Coston and impose a \$500.00 fine for each of the two violations. The motion was unanimously carried.

The hearing adjourned at 10:30 a.m.

Verbatim testimony was taken by the court reporter.

Disciplinary Hearing for Rachel Thomas

The hearing was called to order at 10:35 a.m.

Ms. Heeney stated that today's hearing was a disciplinary hearing due to a complaint filed by the Office of the Attorney General regarding her license renewal and criminal history charges for renewal.

The Board members were introduced.

Ms. Stewart entered into evidence State's Exhibit 1, a copy of the complaint

Ms. Heeney informed Ms. Thomas that should could be represented by legal council and she chose to continue without legal council.

Ms. Stewart gave an opening statement that the Board's regulations for renewal require licensees to indicate whether or not they have had any convictions, and to provide documentation..

Paul Eihinger, Investigator, was sworn in and gave testimony.

The State had no further witnesses.

Ms. Thomas was sworn in and testified that she did not receive notice regarding the complaint due to being incarcerated from 2009-2010. She stated that she sent in the documents and since she received her license, she assumed everything was fine.

Ms. Thomas again stated that she sent in the documents several times however, she did not have any evidence supporting that the documents were mailed. She also thought that she was at today's meeting to advise the Board on her convictions; she was unaware that a hearing was scheduled.

Ms. Witte was sworn in and was unable to show evidence that a copy of the complaint had been mailed to Ms. Thomas.

The State withdrew the complaint.

The hearing adjourned at 10:58 a.m.

Verbatim testimony was taken by the court reporter.

Final Denial of Applications

A motion was made by Ms. Guilbert, seconded by Ms. Jones, to send a denial letter to Piez Nguyen due to the letter being returned for postage. The motion was unanimously carried.

Signing Decision and Order

A motion was made by Ms. Lord, seconded by Ms. Jones, to table signing of the Decision and Order until the March meeting. The motion was unanimously carried.

Discussion of the Rules and Regulations

Because the Board has several new members, the discussion of the revision has been table until the March meeting. This will give the new members time to review the revisions for comments..

NEW BUSINESS

Review of Salon/School Applications

A motion was made by Ms. Jones, seconded by Ms. Le, to approve the shop applications of Above & Beyond Unisex Salon, Seaford Center Genesis Salon, Salon

LaRoc, Supercuts #90707, Supercuts #90709, Supercuts #90708, Supercuts #90701, Supercuts #90702 and K & G Nails and Tans, Inc. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Guilbert, to approve the application of My Spa-Lon contingent upon receipt of an updated Division of Revenue business license. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Le, to approve the application of Millville Barber Shop contingent upon receipt of statements from the licensed cosmetologists that they will not be shaving. The motion was unanimously carried.

Review of ADA Requests

A motion was made by Ms. Lord, seconded by Ms. Naftzinger, to approve the ADA requests of George Tydings, Megan Parkins, Brittany White, and Jordan Culler. The motion was unanimously carried.

Review of Reciprocity Applications

A motion was made by Ms. Jones, seconded by Ms. Guilbert, to approve the reciprocity applications of Jeannine Foreman, Annalee Allred, Sara Iacono, Katherine Landes, Bonita Jost, and Jenny Gip. The motion was unanimously carried.

A motion was made by Ms. Jones, seconded by Ms. Schaeffer, to deny the application of Maria Sullivan for not meeting the five years of work experience after licensure requirement. The motion was unanimously carried.

Schedule Hearings

Ms. Witte advised the Board that Roger Akin has been appointed Chief Hearing Officer for the Division. He will be conducting hearings, developing decisions and orders based on findings of fact and conclusions of law by Regulatory Boards and Commissions, conducting pre-hearing conferences and performing legal research for cases.

Review of Reinstatement Applications

A motion was made by Ms. Lord, seconded by Ms. Schaeffer, to approve the reinstatement application of Hien Bich Luu. The motion was unanimously carried.

Review of Consent Orders

A motion was made by Ms. Lord, seconded by Ms. Guilbert, to reject the Consent Agreement of Randall Richardson since the sanction was not severe enough and to schedule a hearing. The motion was unanimously carried.

A motion was made by Ms. Lord, seconded by Ms. Jones, to accept the Consent Agreement of Angel Morales as written. The motion was unanimously carried.

Applications for Review by Eileen Heeney

After review, a motion was made by Ms. Lord, seconded by Ms. Guilbert, to deny the application of Jermil Johnson due to his criminal history. The motion was unanimously carried.

Ratification of Applications

A motion was made by Ms. Lord, seconded by Ms. Naftzinger, to approve the ratified applications of Tiffany Cao and Kiet Tran. The motion was unanimously carried.

Complaint Status

08-01-08-Office of the Attorney General
08-03-08-Office of the Attorney General
08-13-08-Office of the Attorney General
08-15-08-Office of the Attorney General
08-16-08-Office of the Attorney General
08-22-08-Office of the Attorney General
08-23-08-Office of the Attorney General
08-24-08-Office of the Attorney General
08-28-08-Office of the Attorney General
08-39-08-Assigned
08-48-08-Office of the Attorney General
08-49-08-Assigned
08-53-08-Office of the Attorney General
08-54-08-Assigned
08-57-08-Office of the Attorney General
08-58-08-Office of the Attorney General
08-59-08-Office of the Attorney General
08-03-09-Office of the Attorney General
08-04-09-Office of the Attorney General
08-09-09-Office of the Attorney General
08-21-09-Office of the Attorney General
08-22-09-Office of the Attorney General
08-25-09-Assigned
08-26-09-Office of the Attorney General
08-28-09-Assigned
08-30-09-Assigned
08-48-09-Office of the Attorney General
08-49-09-Assigned
08-52-09-Office of the Attorney General
08-54-09-Closed
08-55-09-Closed
08-04-10-Assigned
08-06-10-Assigned
08-07-10-Assigned
08-08-10-Office of the Attorney General
08-09-10-Office of the Attorney General

08-10-10-Assigned
08-11-10-Assigned
08-12-10-Assigned
08-13-10-Assigned
08-16-10-Assigned
08-18-10-Assigned
08-19-10-Assigned
08-20-10-Office of the Attorney General
08-21-10-Assigned
08-22-10-Office of the Attorney General
08-23-10-Office of the Attorney General
08-24-10-Office of the Attorney General
08-25-10-Office of the Attorney General
08-26-10-Office of the Attorney General
08-27-10-Office of the Attorney General
08-30-10-Office of the Attorney General
08-31-10-Assigned
08-32-10-Office of the Attorney General
08-33-10-Office of the Attorney General
08-34-10-Office of the Attorney General
08-35-10-Office of the Attorney General
08-36-10-Assigned
08-37-10-Assigned
08-38-10-Assigned
08-39-10-Assigned
08-40-10-Office of the Attorney General
08-41-10-Closed
08-42-10-Office of the Attorney General
08-43-10-Closed
08-01-11-Office of the Attorney General
08-02-11-Assigned
08-03-11-Assigned

OTHER BUSINESS BEFORE THE BOARD

Ms. Witte welcomed the new board members Jordana Naftzinger, Public Member and Albert Niezgoda, Professional Barber Member.

Ms. Letterman addressed the Board regarding the proposal to update the apprentice program informing them that many applicants are passing the practical exam and not the theory. She suggested the Board appoint an Apprenticeship Committee to discuss and update the program. Appointment of the committee will be added to the agenda for the March Board meeting.

PUBLIC COMMENT

Teresa Whitemar-Watson questioned the Board on how to submit the requirements for becoming licensed barber instructor with 15 years of barber experience. The Board advised Ms. Whitemar-Watson that this will be addressed at the March Board meeting.

She also stated that the PCS website is only showing the exam dates and cut-off times for Cosmetology and not showing the dates for Barbers. The Board advised her that the Administrative Specialist will contact PCS to have information updated.

Kevin Harris addressed the Board with his concerns on Cosmetology Instructors taking a 35 hour shaving course to become Barber Instructors but this option is not available for Barber Instructors to take a 35 hour cosmetology course to become Cosmetology Instructors.

Ernest Ackaler addressed the Board with his concerns that there should be stronger penalties for unlicensed practice in Delaware.

NEXT SCHEDULED MEETING

The next Board meeting will be March 28, 2011 at 9:00 a.m. in Conference Room A.

ADJOURNMENT

A motion was made by Ms. Lord, seconded by Ms. Guilbert, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 11:55 a.m.

Respectfully submitted,

Jennifer Witte
Administrative Specialist, II